



General Assembly

February Session, 2012

Raised Bill No. 5247

LCO No. 1245

* ____HB05247PS____030212____*

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

AN ACT CONCERNING THE PENALTY FOR ASSAULT OF PUBLIC SAFETY, EMERGENCY MEDICAL, PUBLIC TRANSIT OR HEALTH CARE PERSONNEL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-167c of the 2012 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2012*):

4 (a) A person is guilty of assault of public safety, emergency medical,
5 public transit or health care personnel when, with intent to prevent a
6 reasonably identifiable peace officer, special policeman appointed
7 under section 29-18b, motor vehicle inspector designated under section
8 14-8 and certified pursuant to section 7-294d, firefighter or employee of
9 an emergency medical service organization, as defined in section 53a-3,
10 emergency room physician or nurse, health care employee as defined
11 in section 19a-490q, employee of the Department of Correction,
12 member or employee of the Board of Pardons and Paroles, probation
13 officer, employee of the Judicial Branch assigned to provide pretrial
14 secure detention and programming services to juveniles accused of the
15 commission of a delinquent act, employee of the Department of

16 Children and Families assigned to provide direct services to children
17 and youths in the care or custody of the department, employee of a
18 municipal police department assigned to provide security at the police
19 department's lockup and holding facility, active individual member of
20 a volunteer canine search and rescue team, as defined in section 5-249,
21 or public transit employee from performing his or her duties, and
22 while such peace officer, special policeman, motor vehicle inspector,
23 firefighter, employee, physician, nurse, health care employee, member,
24 probation officer or active individual member is acting in the
25 performance of his or her duties, (1) such person causes physical injury
26 to such peace officer, special policeman, motor vehicle inspector,
27 firefighter, employee, physician, nurse, member, probation officer or
28 active individual member, or (2) such person throws or hurls, or
29 causes to be thrown or hurled, any rock, bottle, can or other article,
30 object or missile of any kind capable of causing physical harm, damage
31 or injury, at such peace officer, special policeman, motor vehicle
32 inspector, firefighter, employee, physician, nurse, member, probation
33 officer or active individual member, or (3) such person uses or causes
34 to be used any mace, tear gas or any like or similar deleterious agent
35 against such peace officer, special policeman, motor vehicle inspector,
36 firefighter, employee, physician, nurse, member, probation officer or
37 active individual member, or (4) such person throws or hurls, or
38 causes to be thrown or hurled, any paint, dye or other like or similar
39 staining, discoloring or coloring agent or any type of offensive or
40 noxious liquid, agent or substance at such peace officer, special
41 policeman, motor vehicle inspector, firefighter, employee, physician,
42 nurse, member, probation officer or active individual member, or (5)
43 such person throws or hurls, or causes to be thrown or hurled, any
44 bodily fluid including, but not limited to, urine, feces, blood or saliva
45 at such peace officer, special policeman, motor vehicle inspector,
46 firefighter, employee, physician, nurse, member, probation officer or
47 active individual member. For the purposes of this section, "public
48 transit employee" means a person employed by the state, a political
49 subdivision of the state, a transit district formed under chapter 103a or
50 a person with whom the Commissioner of Transportation has

51 contracted in accordance with section 13b-34 to provide transportation
52 services who operates a vehicle or vessel providing public rail service,
53 ferry service or fixed route bus service or performs duties directly
54 related to the operation of such vehicle or vessel.

55 (b) Assault of public safety, emergency medical, public transit or
56 health care personnel is a class C felony and any person found guilty
57 under this section shall be sentenced to a term of imprisonment of
58 which two years of the sentence imposed may not be suspended or
59 reduced by the court, except that the court may suspend the execution
60 of such mandatory minimum sentence if, at the time of the commission
61 of the offense, (1) such person was under the age of eighteen years, or
62 (2) such person's mental capacity was significantly impaired, but not
63 so impaired as to constitute a defense to prosecution. If any person
64 who is confined in an institution or facility of the Department of
65 Correction is sentenced to a term of imprisonment for assault of an
66 employee of the Department of Correction under this section, such
67 term shall run consecutively to the term for which the person was
68 serving at the time of the assault.

69 (c) In any prosecution under this section involving assault of a
70 health care employee, as defined in section 19a-490q, it shall be a
71 defense that the defendant is a person with a disability as described in
72 subdivision (13), (15) or (20) of section 46a-51 and the defendant's
73 conduct was a clear and direct manifestation of the disability.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	53a-167c

PS ***Joint Favorable***